

Ordinance 2015-27

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING CHAPTER 7 ENTITLED "TRAFFIC", SECTION 35 ENTITLED "HANDICAPPED PARKING", OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN"

WHEREAS, the Borough Council finds that there is a need to amend Chapter 7, Sections 35 of the "Revised General Ordinances of the Borough of Hightstown" regarding handicapped parking; and

WHEREAS, the Police and Public Works Departments have determined that such changes in the ordinance is advantageous to the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

Section 1. Chapter 7, "Traffic", Section 35 "Handicapped Parking" is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 7-35-1 Handicapped Parking on Streets.

a. In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking places. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these places.

| <i>Address</i> | <i># of Spaces</i> | <i>Location</i> |
|--|--------------------|---|
| Westerlea Apartments, Building 5 Westerlea Avenue | 1 | Beginning at a point 55 feet south of GPU pole #JC748H and running 18 feet south along Westerlea Avenue |

b. Handicapped Parking On Street for Private Residences. In accordance with the provisions of N.J.S.A. 39:4-197.6, ~~the following~~ certain on-street locations are designated by resolution of the Governing Body as handicapped parking spaces in front of private residences occupied by handicapped persons. ~~Any exception taken for the placement of the handicapped parking space shall be noted within said resolution prior to adoption of the Governing Body.~~ Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Street | Location | Permit Number |
|---------------------|--|----------------|
| 120 Railroad Avenue | Beginning at a point approximately nineteen (19) feet south of utility pole no. JC180H on the west side of Railroad Avenue and running eighteen (18) feet south along Railroad Avenue. | P.H.K. 4616 |

| | | |
|---------------------|--|---|
| 231 Morrison Avenue | Beginning at a point one hundred and thirteen (113) feet from the southeast corner of the intersection of Morrison Avenue and Summit Street and running east approximately 18 feet therefrom along Morrison Avenue. | NJ handicapped license plate #HE2758 |
| 155 Mechanic Street | Beginning at a point 32 feet north of utility pole #JC11H and running north approximately 20 feet therefrom along the southbound side of Mechanic Street | NJ handicapped placard #P484734 |

Residents requesting a handicapped parking space on a street for private residences shall do so in writing to the Borough Clerk. It shall be required that they provide a copy of their special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the parking space. Residents with driveways will not be issued a handicapped parking space in front of a private residence.

It will be required that all handicapped parking spaces on a street for private residences be renewed with the Borough Clerk on July 1, 2015 annually by presenting a copy of the special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the handicapped parking space. Any handicapped parking spaces on a street for private residences that is not updated by July 31st, shall be void and the sign removed.

(Ord. No. 825 § 4; Ord. No. 1995-21 § 2; Ord. No. 1998-29 § 1; Ord. No. 1999-19 § 1; Ord. No. 2000-33; Ord. No. 2001-08; Ord. No. 2002-02; Ord. No. 2002-22)

Subsection 7-35-2 Handicapped Parking in Municipal Parking Lots and Board of Education Property.

In accordance with the provisions of N.J.S.A. 39:4-197, handicapped parking areas in municipal parking lots and Board of Education property are designated as set forth in Section 7-37.1(d) of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2002-03)

Subsection 7-35-3 Handicapped Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business).

In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking spaces are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Property | No. of Spaces | Location |
|----------|---------------|------------|
| | | (Reserved) |

In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to N.J.S.A. 39:4-197.5, N.J.S.A. 52:27D-119 et seq., or any other applicable law unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle. State, county, or municipal law enforcement officers or parking enforcement officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Subsection 7-35-4 Handicapped Parking on All Other Private Property.

In accordance with the provisions of N.J.S.A. 39:5A-1, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates

or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Property | No. of Spaces | Location* |
|----------|---------------|------------|
| (New) | | (Reserved) |

* **Editor's Note:** All sketches are on file in the office of the Municipal Clerk.

Subsection 7-35-5 Signs, Pavement Markings, Installation and Maintenance.

The owners of the premises or individual for whom the parking space is being installed referred to in subsection 7-35.1(b) shall have provided and installed by the Borough Public Works Department, signs for each parking space reserved for the use of handicapped persons, which signs shall be in accordance with the manual on Uniform Traffic Control Devices.

The owners of the premises referred to in subsection 7-35.3 and 7-35.4 shall provide and install signs and pavement markings for each parking space reserved for the use of handicapped persons, which signs and markings shall be in accordance with the manual on Uniform Traffic Control Devices. The cost of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough of Hightstown. The owner shall be responsible for the repair and restoration or replacement of same. (New)

Subsection 7-35-6 Penalty for Violation.

Pursuant to P.L. 2003, C 161, the penalties for violations of this Section 7-35 shall be a fine of two hundred fifty (\$250.00) dollars for a first offense, and for subsequent offenses, shall be a fine of at least two hundred fifty (\$250.00) dollars and up to ninety (90) days community service on such terms and in such form as the Court shall deem appropriate, or any combination thereof. (Ord. No. 2003-34)

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduction: November 16, 2015

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR